

THE POLUMBUS CORPORATION

IBLA 72-107

Decided November 2, 1972

Appeal from the decision of the Wyoming Land Office, rejecting appellant's oil and gas offer (simultaneous drawing entry card) for Parcel 415. (W-30964).

Affirmed.

Oil and Gas Leases: Applications: Generally

An oil and gas lease offer filed in the name of a corporation is properly rejected where it is not accompanied by a statement as to corporate qualifications, or by a reference by serial number to a record in which such statement has previously been filed.

APPEARANCES: J. Anthony Polumbus, for the appellant.

OPINION BY MR. HENRIQUES

This is an appeal to the Secretary of the Interior from a decision of the Wyoming Land Office, Bureau of Land Management W-30964, dated September 22, 1971, rejecting appellant's oil and gas offer for Parcel 415. The offer was rejected for failure to file a statement of corporate qualifications, or a reference by serial number to a record wherein such statement had previously been filed, as required by 43 CFR 3102.4-1, formerly 43 CFR 3123.2(g).

The Polumbus Corporation offer was made on simultaneous oil and gas drawing entry card (form 4-1664), numbered 157-3341. On the reverse side of the card, under the heading "INSTRUCTIONS," appears the caution: "NOTE: Compliance must be made with the provisions of 43 CFR 3123.2." The applicable portion of the regulation cited above provides:

If the offeror is corporation, the offer must be accompanied by a statement showing (1) the State in which it is incorporated, (2) that it is authorized to hold oil and gas leases and that the officer executing the lease is authorized to act on behalf of the corporation in such matters, (3) the percentage of voting stock and of all the stock owned by aliens or those having addresses

outside of the United States, and (4) the names and addresses of the stockholders holding more than 10 percent of the stock of the corporation. Where the stock owned by aliens is over 10 percent, additional information may be required by the Bureau before lease if issued or production is obtained. A separate statement from each stockholder owning or controlling more than 10 percent of the stock of the corporation setting forth his citizenship and holdings must be furnished. Where such material has previously been filed a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

In its notice of appeal, appellant asserts that its corporate qualifications are on file under W-022311.

The fact that appellant furnished with its appeal a reference to a record in which such qualifications are set forth, does not cure the defect in the original filing. The regulation is explicit in prescribing that the statement of corporate qualifications, or reference of a previous filing, must accompany the offer, i.e., must be filed simultaneously with the drawing entry card. Under the circumstances, the land office had no choice but to reject the offer. Where the necessary corporate qualification papers are not filed with the drawing entry card or the appropriate reference is not made to case records where such showings have previously been filed, the oil and gas offer does not comply with the mandatory provisions of the regulations and must be rejected. Pan Ocean Oil Corporation, 2 IBLA 156, 158 (1971). See Love Enterprises, 1 IBLA 248 (1971).

We find that the Wyoming land office correctly rejected the drawing entry card lease offer submitted by the Polumbus Corporation, for failure to comply with the regulation cited on the card.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (43 CFR 4.1), the decision appealed from is affirmed.

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Douglas E. Henriques, Member

We concur:

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Anne Poindexter Lewis, Member

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Joseph W. Goss, Member

